

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 96-653

April 29, 1997

BANGOR HYDRO-ELECTRIC COMPANY
Request for Advisory Ruling on Definition
and Intent of the Meaning of Chapter 81,
Section 11(B)(D)(G) and (H)

ADVISORY RULING

WELCH, Chairman; NUGENT and HUNT, Commissioners

— This Advisory Ruling provides the Commission's response to questions from Bangor Hydro-Electric Company (BHE) concerning the medical emergency provisions of Chapter 81. The response is provided in a hierarchy of basic steps that BHE should follow when a customer/occupant declares a medical emergency. This response clarifies the manner in which the Commission (and its Consumer Assistance Division) will interpret the relevant Chapter 81 requirements.

BHE has sought clarification of the provisions regarding customer/occupant declaration and physician certification of medical emergencies, the postponement of disconnection pending physician certification, the length of postponement for certified emergencies, and the renewal provisions for medical emergencies. A copy of BHE's request is attached.

The hierarchy begins with the issuance of a disconnection notice by the utility.

1. The utility issues a disconnection notice:

- A) If the customer/occupant does not declare a medical emergency, the utility may proceed with the disconnection process;
- B) If the customer/occupant declares a medical emergency, refer to #2.

2. Medical emergency declared by customer/occupant:

- A) If this is the first declaration of a medical emergency under the current disconnection notice, refer to #3;
- B) If this is not the first declaration of a medical emergency under the current disconnection notice, refer to #4.

3. First declaration of medical emergency under the current disconnection notice: The utility is required to postpone the disconnection for three (3) business days pending oral certification by a registered physician.

A) If oral certification of the medical emergency is received within 3 business days, the utility may not disconnect the customer/occupant, provided, however, that if the utility asks for written confirmation:

(1) and the registered physician provides written confirmation of the medical emergency within seven (7) business days, the utility may not disconnect the customer/occupant;

(2) and the registered physician does not provide written confirmation of the medical emergency within 7 business days, the utility may disconnect the customer/occupant only with Commission approval upon application under Section 14(B).

B) If the registered physician fails to provide the utility with oral certification within 3 business days, the utility may resume the disconnection process;

C) The effective period for any disconnection notice shall be extended by 3 business days if a customer requests a physician's oral certification of medical emergency, and the utility orally notifies the customer of the 3-day extension.

4. Second or subsequent declaration of medical emergency under the current disconnection notice (assuming the declaration is for the same condition and same individual):

A) If the customer/occupant makes a second or subsequent declaration of a medical emergency after the 3-business-day postponement for physician certification, the utility may proceed to disconnect. For example, if a customer/occupant declares a medical emergency on day 6 of the effective period of the disconnection notice, and the utility does not receive a physician certification, another customer/occupant declaration on day 10 does not require the utility to postpone disconnection;

B) If the customer/occupant makes a second or subsequent declaration of a medical emergency during the 3-business-day postponement (i.e., within 3 business days of the first declaration), the utility need not extend the original 3-business-day period. For example, if the customer/occupant declares a medical emergency on day 7 of the effective period of the disconnection notice, and no registered physician certifies the medical emergency, or if the customer/occupant re-declares the medical emergency on day 9, the utility is not required to extend the initial postponement, assuming that the utility provided the customer/occupant with full customer rights at the time of the initial declaration;

C) If the customer/occupant makes a second or subsequent declaration after a proper disconnection, the utility may require oral certification by a registered physician for reconnection, subject to the authority of the Consumer Assistance

Division (CAD) to order immediate reconnection pending certification, if circumstances warrant.

5. Length of Postponement/Renewals of Medical Emergencies (assuming the declaration or certification is for the same individual and the same condition):

A) At the end of a certification period (30 days or less, if specified by the certifying physician), the utility may proceed with the collections process, unless and until a new declaration or certification of a medical emergency is received;

B) If the customer/occupant declares a medical emergency after the 90 days of certification in any 12-month period have expired, the utility may proceed with the collections process, SUBJECT, HOWEVER, TO A DECISION BY CAD THAT SPECIAL CIRCUMSTANCES REQUIRE AN EXCEPTION TO THE 90-DAY MEDICAL EMERGENCY LIMIT;

C) If a customer/occupant declares a medical emergency with respect to the same individual with the same medical emergency but at a different location, the utility may treat the declaration as a declaration from the same customer/occupant, and the utility may apply the 90-day limit in any 12-month period to any such certification or combination of certifications.

6. NOTE: THE RECEIPT OF A PHYSICIAN CERTIFICATION AT ANY TIME REQUIRES AN IMMEDIATE HALT TO THE DISCONNECTION PROCESS AND IMMEDIATE RECONNECTION, EXCEPT:

A) WHERE THE 90-DAY MEDICAL EMERGENCY PERIOD (IN A 12-MONTH PERIOD) HAS BEEN EXHAUSTED; OR

B) WITH PERMISSION FROM THE COMMISSION UNDER SECTION 14(B) OF CHAPTER 81:

(1) WHERE THE CUSTOMER SEEKS TO RENEW A MEDICAL CERTIFICATION AND REFUSES TO MAKE, OR FAILS TO COMPLY WITH, A REASONABLE PAYMENT ARRANGEMENT; OR

(2) WHERE THE UTILITY HAS REQUESTED, BUT HAS NOT RECEIVED, WRITTEN CONFIRMATION OF AN ORAL PHYSICIAN CERTIFICATION. PERMISSION TO DISCONNECT UNDER THIS CIRCUMSTANCE WILL BE GRANTED ONLY WHERE CAD DETERMINES THAT NO CERTIFICATION WAS, IN FACT, MADE, OR WHERE THE CERTIFYING PHYSICIAN STATES THAT THE CERTIFICATION WAS MADE IN ERROR.

We intend to examine the medical emergency provisions of Chapter 81 in 1997 to determine whether changes are necessary.

Dated at Augusta, Maine, this 29th day of April, 1997.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Acting Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Hunt

MT/kp
Attachment

